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## Attorneys for Defendant Michael Lerma

United States District Court  
For The Central District of California

United States of America,  
Plaintiff,  
v.  
Michael Lerma,  
Defendant.

} Case No 18 CR 172-GW

} EX PARTE APPLICATION FOR  
ORDER RELEASING OR  
TRANSPORTING DEFENDANT FOR  
ONE DAY TO ATTEND THE  
FUNERAL OF HIS MOTHER;  
DECLARATION OF COUNSEL;  
MEMORANDUM OF POINTS AND  
AUTHORITES; PROPOSED ORDER

}

Defendant Michael Lerma, by and through counsel, Marri Derby and Joel Furman, hereby applies ex parte to this Court for an order to temporarily release or transport Mr. Lerma for one day so he may attend the funeral services for his mother, Rosie Lerma, who passed away from colon cancer on July 1, 2025. The government opposes this application.

This application is based upon the attached Memorandum of Points and Authorities, the accompanying Declaration of Counsel, all files and records in this case, and any other evidence and argument that may be presented to the Court.

Dated: July 8, 2025

Respectfully Submitted,

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*/s/Marri Derby*

Marri Derby  
Joel Furman  
Attorneys for Michael Lerman

1  
2                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
3

4                   **1. Introduction**

5                   Mr. Lerma has been in custody since the early 1980's. His mother, Rosie R.  
6                   Lerma, would visit him when he was in State Prison. Once he was detained at the  
7                   Metropolitan Detention Center, in Los Angeles, she was unable to visit (her health had  
8                   declined and the distance was too far from Sacramento where she lived). Mr. Lerma  
9                   was only able to communicate with his mother by phone and letters. Mrs. Lerma died  
recently, July 1<sup>st</sup>, of colon cancer.

10                  Mr. Lerma's family is large. Mrs. Lerma had 7 children, 29 grandchildren, and 69  
11                  great grandchildren. In order to accommodate the large family, the funeral will be held at  
12                  the American Legion Hall in Rio Linda, CA, on July 27, 2025, at 12:00 to 4:00 pm. "It  
13                  would be a dream come true to have Mike there", according to his sister Virginia. It  
14                  would be incredibly meaningful to Mr. Lerma to not only see his family but to be able to  
15                  hug his family members. He was extremely close to his mother and wants to pay his  
16                  respects.

17                  As this Court knows, Mr. Lerma was recently convicted of RICO murder. He is  
18                  awaiting sentencing before this court.

19                   **2. Legal Standard**

20                  18 U.S.C. § 3622 (a)(2) allows for the temporary release of prisoners in the custody of  
21                  the Federal Bureau of Prisons ("BOP") to, inter alia, "attend a funeral of a relative," if  
22                  such release "appears to be consistent with the public interest and if there is reasonable  
23                  cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing  
24                  him, under prescribed conditions..." 18 U.S.C. § 3622(a)(2).

25                  Mr. Lerma is willing to submit to whatever conditions the court imposes. His family  
26                  is willing to incur the costs of having him escorted by officers from the USMS. The  
27                  public interest supports a temporary furlough for one day so that Mr. Lerma can be with  
28                  family at this devastating time of loss. His mother was a "rock" for Mr. Lerma and "gave

[him] hope and unconditional love.” It is humane to allow him to attend his mother’s funeral.

## Conclusion

Mr. Lerma requests this court order the release or transport of Mr. Lerma for one day, July 27, 2025, with whatever conditions the court deems appropriate, so he may attend the funeral of his mother.

/s/ Marri Derby  
Marri Derby  
Joel Furman  
Attorneys for Defendant Michael Lerma

1                   **DECLARATION OF COUNSEL**

2 I, Marri Derby, declare:

3       1. I am an attorney licensed to practice in California and before the Ninth Circuit  
4       and have been appointed pursuant to the Criminal Justice Act to represent Mr.  
5       Lerma.

6       2. On July 3<sup>rd</sup>, I spoke with Mr. Lerma. He informed me that his mother had  
7       passed away and that he was devastated. He informed me that she was a “rock”  
8       to him and the family and that “she gave me hope and unconditional love.” He  
9       asked that I attempt to get him released for the day so he can attend her funeral.  
10      Mr. Lerma informed me that he would follow any rules this court would  
11      impose and that his family is willing to pay for the costs of transporting him  
12      and the costs of the USMS.

13      3. On July 7, 2025, I communicated with Mr. Lerma’s sister, Virginia Gutierrez.  
14      She testified at Mr. Lerma’s trial. She informed me that their mother died of  
15      colon cancer on July 1<sup>st</sup>. She stated the family is large due to their mother  
16      having 7 children, 29 grandchildren and 69 great grandchildren. The funeral  
17      for their mother will be held on July 27, 2025, from 12:00-4:00 pm at the  
18      American Legion Hall in Rio Linda, California.

19      4. I was informed on July 7, 2025, by AUSA Kyle Kahan that the government  
20      opposes the release or transport of Mr. Lerma to attend the funeral.

21  
22      I declare that the above is true and correct to the best of my recollection under  
23      the laws of the United States of America.

24  
25      Executed on July 8, 2025, at Newport Beach, California.

26  
27                   /s/ Marri Derby  
28                   Marri Derby, Counsel for Michael Lerma